

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIFFORD JAMES SCHUETT,

Defendant.

Case No.: 2:14-cr-364-JAD-GWF

ORDER

**Motion for Change of Lawyer
and To Proceed Pro Per (#95)**

This matter is before the Court on Defendant Clifford James Schuett's Motion for Change of Lawyer and to Proceed Pro Per (#95), filed on December 23, 2014. The Court conducted a hearing in this matter on January 12, 2015.

BACKGROUND AND DISCUSSION

On December 2, 2014, Defendant Clifford James Schuett plead guilty, pursuant to a plea agreement signed by him on November 14, 2014, to an information charging him with making a threat to kill or cause damages by explosive in violation of 18 U.S.C. § 844(e). During the plea colloquy with the District Judge, Defendant Schuett stated that he committed the offense charged in the information so that he would be sent back to federal prison. The Defendant, who is disabled and wheelchair bound, also discussed his physical and medical condition which he believes is not being properly cared for in the federal pretrial detention facility in Pahrump, Nevada. Defendant expressed his desire to be sentenced promptly, if possible on the same day as his guilty plea, so that he can be transferred to a federal prison as soon as possible. The District Judge determined that a presentence investigation (PSI) and report by the Probation Department is necessary prior to sentencing. The Court ordered that the PSI be expedited and scheduled Defendant's sentencing for

1 February 17, 2015. Not satisfied with the time that will pass before he is sentenced and transferred
2 to a Bureau of Prisons facility, Defendant has, on his own, filed numerous motions since December
3 2, 2014. These include his instant Motion for Change of Lawyer and to Proceed Pro Per (#95) and
4 a Motion to Withdraw Guilty Plea (#93).

5 During the January 12, 2015 hearing, the Court discussed the pending motions with
6 Defendant Schuett. The Defendant stated that his principal goal is to be transferred to a federal
7 prison as soon as possible so that his physical and medical condition can be adequately addressed.
8 His second and related goal is to be released from the pretrial detention facility pending sentencing.
9 Defendant indicated no dissatisfaction with his present defense counsel other than she is unable or
10 not willing to file certain motions that he desires to file. After further discussion with the Court
11 whether his motions to withdraw his guilty plea and/or to represent himself, if granted, would
12 expedite or further delay in his transfer to a Federal Bureau of Prisons facility, Defendant Schuett
13 stated that he wished to withdraw his Motion for Change of Lawyer and to Proceed Pro Per (#95)
14 and his Motion to Withdraw Guilty Plea (#93). The Court advised Defendant that it would grant
15 his oral motion to withdraw Motion (#95) and would inform the District Judge of his desire to
16 withdraw Motion (#93), as well as his request that the Court address his continued detention
17 pending sentencing or alternatives thereto. Based on the foregoing,

18 **IT IS HEREBY ORDERED** that Defendant's Motion for Change of Lawyer and to
19 Proceed Pro Per (#95) is hereby deemed **withdrawn** and is **denied** on that basis.

20 DATED this 12th day of January, 2015.

21
22 
23 GEORGE FOLEY, JR.
24 United States Magistrate Judge
25
26
27
28